

Emergency Room Nursing: Court Criticizes Forced Urinary Catheterization, Allows Lawsuit For Medical Battery To Go Forward.

The patient was brought to the hospital's emergency room by sheriff's deputies after he was found wandering a rural highway on foot inadequately clothed for the cold winter weather.

The deputies found the man in a state of marked mental confusion. They kept trying for thirty minutes to get him to identify himself and state what he was doing when they found him. He was completely uncooperative and unable to carry on a normal conversation.

The deputies believed the man was under the influence of alcohol and/or illegal drugs.

Although a resident in a nearby farmhouse reported the man was burglarizing his house when the resident drove up, the deputies could find no evidence the man had attempted forced entry.

That is, there were no grounds to hold him as a criminal suspect. However, his mental state and/or intoxication appeared to present a danger to himself, so the deputies decided to transport him in handcuffs to the emergency room as a mental-health case.

At the hospital the man was unresponsive to the triage nurse's and physician's questions.

The physician wanted a urine sample as part of the patient's medical screening. The hospital lab only had the capability to run toxicology screens on urine.

The nurse gave the man a sample cup, but he could not or would not urinate.

No Consent To Urinary Catheterization

The physician decided he should be catheterized. The physician discussed the plan to catheterize him with the nurses in front of the patient, but got no expressed or implied consent from the patient.

Then the two deputies held him down while a nurse removed his pants and catheterized him using technique that was medically appropriate in all respects.

A medical battery claim can be filed when a physician, nurse or other health-care professional performs a procedure to which the patient has not consented.

Every patient has the basic right to exercise control over his or her own body and to make informed decisions about medical treatment.

The healthcare professional has the duty to obtain the patient's informed consent before going ahead, unless there are extenuating circumstances.

One of the recognized exceptions to the duty to obtain informed consent is when a true emergency exists which makes it impractical to obtain the patient's consent.

Unless it is an emergency the patient must consent before urinary catheterization can be done.

In the physician's judgment the patient was medically stable, even though he was not communicating.

A civil jury will have to decide if there really was an emergency.

UNITED STATES DISTRICT COURT
IOWA

June 14, 2004

The urine sample revealed amphetamines, marijuana and cocaine. The patient was not charged with a criminal offense. Charges would have been thrown out as there was no search warrant.

Medically the drugs in his system meant he would have to go to a psychiatric facility that had detox capability, or go to detox first and then to a psych facility.

Later that evening a magistrate ordered him committed to a specified facility for detox and mental-health observation based on a petition properly filed by a designated mental health professional.

Court Approves Entire Course Except Forced Catheterization

In a lengthy opinion, The US District Court for the Northern District of Iowa threw out almost all the allegations of the man's lawsuit against the sheriffs, the hospital, the nurses and the physicians.

There was no violation of his Constitutional rights, no invasion of privacy, no false imprisonment and no intentional infliction of emotional distress.

Medical Emergency Disputed

It is a civil battery for healthcare professionals to go ahead with any medical intervention that involves touching the patient without the patient's informed consent. One exception is for a true medical emergency. There is also an exception for court-ordered medical interventions.

The court questioned whether this really was a medical emergency. The telling factor was the physician's note that the patient was medically stable at the time he was forcibly catheterized.

If the patient is medically stable and does not indicate that he wants to be catheterized, he would be within his legal rights to decline no matter how much the patient's caregivers believe a urine drug screen is in the patient's best interests.

A civil jury will have to decide if a true medical emergency existed. ***Tinius v. Carroll County Sheriff, __ F. Supp. 2d __, 2004 WL 1340805 (N.D. Iowa, June 14, 2004).***